

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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Mitchell Dzik,

Case No. 3:20-cv-00176-MMD-WGC

Plaintiff,

ORDER

v.

Rubio, *et al.*,

Defendants.

Pro se Plaintiff Mitchell Dzik brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 14), recommending the Court dismiss this action without prejudice. Dzik had until July 28, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss the action without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because there is no objection, the Court need not conduct de novo review, and is satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends that the Court

1 dismiss this action without prejudice because Dzik did not notify the Court of his updated
2 address within the specified deadline. (ECF No. 14 at 2.) On June 1, 2021, the Court
3 directed Dzik to provide an updated address pursuant to LR IA 3-1. (ECF No. 10.) LR IA
4 3-1 requires a *pro se* party to “immediately file with the court written notification of any
5 change of mailing address, email address, telephone number, or facsimile number” or
6 face possible dismissal of their case. The Court gave Dzik 30 days to comply with its order
7 and cautioned that failure to comply may result in dismissal of this action. (ECF No. 10 at
8 1.) The 30-day period has now expired, and Dzik has not filed an updated address. (ECF
9 No. 14 at 2.) Thus, the Court agrees with Judge Cobb. Having reviewed the R&R and the
10 record in this case, the Court will adopt the R&R in full.

11 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.
12 14) is accepted and adopted in full.

13 It is further ordered that this action is dismissed without prejudice based on Dzik’s
14 failure to file an updated address in compliance with this Court’s June 1, 2021, order.

15 It is further ordered that the Clerk of Court issue a judgment in accordance with
16 this order and close this case.

17 DATED THIS 18th Day of August 2021.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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